

GUARDIANSHIP OF MINORS (only)

1

Temporary / Emergency Orders for Guardianship of MINORS (Forms and Instructions)

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Self Service Center

**APPOINTMENT OF A TEMPORARY / EMERGENCY
GUARDIAN**

FOR MINOR(S) ONLY

FORMS AND INSTRUCTIONS

How to assemble these documents

This packet contains court forms and instructions to get a temporary or emergency guardianship for a minor (or minors). Be sure the documents are in the following order. Forms that you will need to copy and file with the Court appear in **BOLD** below. Non-bold items are instruction or information pages. Do **not** file or copy non-bold items.

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TEMPORARY / EMERGENCY APPOINTMENT OF GUARDIAN FOR MINOR(S)

CHECKLIST

You may use the forms and instructions in this packet if:

- ✓ You want to have the court appoint a guardian for a minor (any person under the age of 18) on a temporary or emergency basis.
- ✓ The minor lives in Maricopa County.
- ✓ You have **already** filed the court papers for the “permanent” appointment of a guardian *or* you **will file** those papers at the same time you file these papers.*
- ✓ You believe that the minor(s) needs to have a guardian temporarily and immediately while you wait for the regular guardianship proceeding to take place.
- ✓ If you are applying for Guardianship for more than one child, they have the same parents.**

***Note:** You cannot file a request for Temporary/Emergency guardianship *by itself*. You **MUST** file a request for a “regular”/“permanent” guardianship first or at the same time *with* the Temporary/Emergency request).

****** If there are multiple children and they do not all have the same fathers or mothers, you must file a separate case for each set of parents.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

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HOW TO GET A GUARDIAN APPOINTED FOR A MINOR ON A TEMPORARY / EMERGENCY BASIS

Introduction: These are the steps to ask the Court to appoint a **temporary** guardian for a minor. A temporary guardianship only lasts until the court hearing takes place on a request for a regular guardianship, which the Court refers to as a "permanent guardianship." You cannot request temporary guardianship without filing for permanent guardianship. You may file the request for a permanent guardianship first, or you may file both at the same time, but you will *not* get a temporary guardianship unless court records show that you have already filed the papers to request the permanent guardianship.

If you have not already filed for appointment of a permanent guardian, be sure to get the packet for a PERMANENT APPOINTMENT OF THE GUARDIAN FOR A MINOR, and have all forms you need before you begin.

Temporary

The regular, "permanent" guardianship process takes about two months. It is appropriate to file for a temporary guardianship when there are good reasons you cannot wait the few months it would take to get a permanent appointment. Filing for temporary guardianship is an urgent request for the Judge to appoint a temporary guardian while you wait for the appointment of the permanent guardian. The temporary guardian and the permanent guardian may be the same person.

Temporary / Emergency (No Notice)

Sometimes a person needs a guardian appointed immediately, without prior notice to the parents of the minor or to other persons who have a legal right to know that a legal process has been started that involves the minor. **This is a very serious matter.** The Judge will not grant a temporary appointment without notice unless you have a **very good reason** and can prove that **immediate and irreparable injury, loss, or damage will result before notice can be given.**

1. Complete the paperwork for the TEMPORARY APPOINTMENT:

Fill out all the forms for the **temporary appointment** completely:

- **USE BLACK INK.**
- **MAKE 2 COPIES** of the completed forms.

You will need to complete the following forms:

- PETITION FOR TEMPORARY APPOINTMENT OF A GUARDIAN FOR A MINOR.
- ORDER FOR TEMPORARY GUARDIANSHIP OF A MINOR
- ACCEPTANCE OF APPOINTMENT AS TEMPORARY GUARDIAN AND LETTERS OF APPOINTMENT
- ORDER TO GUARDIANS. Remember to sign the Acknowledgment on the last page of the Order.

2. Complete the paperwork for the PERMANENT APPOINTMENT: Complete the forms for the appointment of the permanent guardian. The following is the list of forms you need to start the case for the permanent appointment.

- JUVENILE GUARDIANSHIP INFORMATION SHEET
- PETITION FOR PERMANENT APPOINTMENT OF A GUARDIAN for a MINOR
- AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN. (Required by ARS §14-5106)

3. Make copies of all the paperwork: Make **2 copies** of all the forms. Assemble the copies so that you have **3 complete packets** -- the **originals and 2 sets** of copies.

4. File the papers at the court: Determine where to file the court forms. There are two facilities for the Maricopa County Juvenile Court:

Durango Facility
3131 W. Durango Street
Phoenix, AZ 85009

Southeast Facility
1810 S. Lewis Street
Mesa, AZ 85210

Cases are assigned to a facility based upon the zip code of the residence of the petitioner. If the zip code is 85200 through and including 85299, or any zip code area that is east of Central Avenue, the case will probably be assigned to the Southeast Facility. Any zip code that is west of Central Avenue will probably be assigned to the Durango Facility.

You can present your documents for filing at either location, however you are encouraged to take them to the correct facility for faster processing.

GO TO THE CLERK'S OFFICE: Take the **original and 2 copies** of the following documents **to the Clerk of the Court (Juvenile)** :

- JUVENILE GUARDIANSHIP INFORMATION SHEET
- PETITION FOR TEMPORARY APPOINTMENT OF A GUARDIAN FOR A MINOR
- PETITION FOR APPOINTMENT OF A PERMANENT GUARDIAN of a MINOR, AND
- AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN

PAY YOUR FILING FEE: The filing fee is \$166.00. This may be paid in cash or check or money order payable to "Clerk of the Court".

Note: If you will have difficulty paying the filing fee, you may file an application to determine whether you qualify for a fee deferral or waiver. There is no charge for the Fee Deferral Application. It is available for free from the Clerk of Court filing counter or the Self Service Center.

WHAT THE CLERK WILL DO: The Clerk will file the **original** JUVENILE GUARDIANSHIP INFORMATION SHEET (This document is for court use only; it is not a public record). The Clerk will file originals of the following documents, and give you back clerk-stamped ("conformed") copies to show these documents were filed:

- PETITION FOR TEMPORARY APPOINTMENT OF GUARDIAN
- PETITION FOR APPOINTMENT OF PERMANENT GUARDIAN OF A MINOR, AND
- AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN

NOTE YOUR "JG" CASE NUMBER: The case number assigned is stamped in the upper right-hand corner of all the documents the clerk stamped for you. The case number always starts with the initials "JG". **Use this number on every paper you file with the court from now on.**

5. Get the permanent hearing date scheduled. Take **originals** of one or both of these papers to Juvenile Court Administration:

- INSTRUCTIONS AND REQUEST FOR HEARING DATE; AND

Take **2 copies** of these Clerk-stamped (**conformed**) papers to Juvenile Court Administration:

- PETITION FOR APPOINTMENT OF GUARDIAN FOR A MINOR
- AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN

Court Administration will schedule the permanent hearing on the form called INSTRUCTIONS AND REQUEST FOR HEARING DATE and return it to you. Now you know the **date, time, and location** of the hearing on the **permanent appointment**, and the name of the Judge or Commissioner who will hear the case.

6. To get the hearing on the temporary emergency appointment scheduled:

If you have requested that a temporary guardian be appointed, Juvenile Court Administration will take the Petition for Temporary Appointment of Guardian to the assigned Judge/Commissioner for review. The assigned Judge/Commissioner will set a hearing date **ONLY** if he/she agrees that an emergency exists.

If the Judge decides to give you a hearing on the petition for Temporary Appointment of a Guardian of a Minor, court staff will provide you with 2 copies of a NOTICE OF HEARING form. You will need to give notice of the hearing to **everyone entitled to notice** before the hearing. See #7, below, and **Packet No. 2--Service and Notice of the Court Hearing**, for information on who must be given notice.

7. Give notice about the court case: (ARS §§14-5310 and 5401.) If this is an emergency hearing **with notice**, you must give notice to everyone just like with a PETITION FOR PERMANENT GUARDIANSHIP. See **Packet No. 2--Service and Notice of the Court Hearing**. Notice must be complete prior to the hearing.

- If this is an emergency hearing **without notice**, you must give notice *to the person you say needs the temporary or emergency guardianship* by personal service **within 72 hours** after the Court hearing. No other notice is required in these cases.

8. Before the hearing: If you were required to give advance notice of the temporary emergency hearing, file the **originals** of the following documents: NOTICE OF HEARING, WAIVER OF NOTICE, (If applicable), and PROOF OF NOTICE.

Bring copies of all **3 documents** with you to the hearing to be "conformed" (stamped by Court staff). Do this as soon as possible, at least **5 business days before the hearing** on the temporary petition. Otherwise, bring these documents with you to the hearing.

9. At the hearing: Bring to the hearing the **originals and 1 copy** of ACCEPTANCE OF APPOINTMENT AS TEMPORARY GUARDIAN AND LETTERS OF APPOINTMENT. Tell the Judge about the case, and why the temporary appointment is necessary. Bring all paperwork with you that you think is applicable, such as reports about the person you say needs the guardian, police or Child Protective Services (CPS) records concerning the person, etc.

10. After the court hearing (GO TO THE CLERK): If the Judge signs the ORDER FOR TEMPORARY GUARDIANSHIP OF A MINOR, take the Order to the Clerk's Office to be filed. Also take the **original and a copy** of the ACCEPTANCE OF APPOINTMENT AS TEMPORARY GUARDIAN and LETTERS OF APPOINTMENT. The Clerk will complete the LETTERS after you sign the ACCEPTANCE.

Then you will need a **certified copy** to show you are the person officially appointed by the Judge. There is an \$18.00 certification fee plus \$0.50 per page to do this. Payment may be made in cash (in person only) or by check or money order made payable to the Clerk of Court.

If you did not already give legal notice about the PETITION FOR TEMPORARY APPOINTMENT and the court hearing as described in **STEP 7**, then you must ***now*** give notice of the court papers and the hearing to **everyone who is entitled** to know about the court case before the hearing date.

- 11. Other help:** Court personnel can answer certain limited questions about the procedures involved, but only an attorney can give you legal advice. You can call the Maricopa County Bar Association's Lawyer Referral Service at 602-257-4434 to schedule a half-hour consultation for \$35, or find a lawyer in the yellow pages of your telephone book (or online) under "attorneys".

The Self-Service Center also has a list of lawyers who will, for a fee, assist you on a task-by-task basis or advise you on how to conduct your own case. The list shows where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what their experience is. You may view the list at the Self Service Center or on the Court's web site at: <http://www.superiorcourt.maricopa.gov/ssc/provider/lawyers.asp>

Name of Person Filing Document: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self (Without a Lawyer OR ☐ Attorney for _____

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of Guardianship of

Case Number: JG _____

a Minor

PETITION FOR TEMPORARY APPOINTMENT OF A GUARDIAN FOR A MINOR

INFORMATION FROM GUARDIANS, UNDER OATH or AFFIRMATION:

1. Information about the Minor to be protected by this temporary order:

Name: _____ Date of Birth: _____

Street Address: _____

City, State, Zip Code _____

2. Information about the Petition that was filed for Permanent Guardianship

A. Date Petition for Permanent Appointment of Guardian for a Minor was filed: _____

B. Name of Court where Petition was filed: _____

C. Information about court hearing scheduled for that Petition:

1. DATE AND TIME OF HEARING: _____

2. LOCATION OF HEARING: _____

3. NAME OF JUDGE/COMMISSIONER TO HEAR CASE: _____

3. Reasons for temporary appointment. The temporary appointment of a guardian is necessary because: _____

4. Petitioner's relationship to the Minor you say needs a guardian: _____

5. **Why should this Court choose the person you say should be the guardian:**

6. **Information about person to be appointed guardian** (if different person than Petitioner)

Name: _____ Telephone: _____

Street Address: _____

City, State, Zip Code _____

Date of Birth: _____

Relationship to the Minor to be Protected: _____

7. **To the best of my knowledge**, (check one box):

- ☐ No Guardian or Conservator has been appointed in any other court, and no court proceedings are pending for such appointment;
- ☐ Someone has been appointed or court proceedings are pending (explain who, when, in what court, and if appointee, whether guardian or conservator, or both): _____

Complete 8 only if this temporary appointment is an emergency. If this is not an emergency, skip to 9.

8. ☐ **Emergency Situation.** This case is an emergency and the appointment is necessary without notice to the Minor whom I say needs the guardian, or his/her attorney, because (explain here in detail why this needs to be done right away and without notice)

9. **Persons Entitled to Notice** under Arizona law, A.R.S. 14-5207 (minors) and 14-5310 (emergency) for guardians. (Check one box, A or B.)

- A. ☐ **I have given notice** to the Minor who needs a guardian, or his/her attorney, or others as follows, **OR** (see "B" on next page)

Name

Address

RELATIONSHIP to Minor Who
Needs Guardian and how NOTICE
was given

1. _____
2. _____
3. _____
4. _____
5. _____

OTHERS

- B. ☐ I have **NOT** given notice to the person who needs a guardian, or his/her attorney, or others because (explain here why no advance notice about this court case should be given). I will give notice by personal service to all persons required by law no later than 72 hours after the Judge signs the Temporary Order:

REQUESTS TO THE COURT:

1. Find that the Minor about whom this petition is filed is in need of a temporary guardian.
2. **Check this box only if you are asking for an emergency appointment without notice, and have completed question 8:**
☐ Find that an emergency exists and this temporary order is necessary without notice to the Minor I say needs the guardian.
3. Appoint the person identified in this petition as the temporary guardian for the Minor until a court hearing can take place on this matter, or until further order of the Court.

OATH OR AFFIRMATION AND VERIFICATION OF PETITIONER

I state to the Court, under penalty of perjury, that I have read this petition and all the statements in the petition are true and correct and complete to the best of my knowledge and belief.

Date

Petitioner's Signature

Signed and sworn to or affirmed before me this date: _____ by: _____

Notary

OR Michael K. Jeanes, Clerk of Superior Court

My commission expires: _____

By: _____

Deputy Clerk

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self (Without a Lawyer) OR ☐ Attorney for _____

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In the Matter of Guardianship of _____

Case Number: **JG** _____

**ORDER FOR TEMPORARY
GUARDIANSHIP OF A MINOR**

A Minor

NOTICE: This is an important court order that affects your rights. Read this order carefully. If you do not understand this order, contact an attorney for legal advice.

THE COURT FINDS:

1. **PETITION FILED.** A sworn Petition for Temporary Appointment of a Guardian for the Minor named above was filed with the Court.

2. **PERSON TO BE PROTECTED:** The person to be protected by this Order is a **MINOR** whose welfare and best interests require the appointment of a Temporary Guardian to provide for his or her continuing care and supervision;

3. **NEED FOR PROTECTION.** There is sufficient evidence to support a finding of incapacity or need for protection by the Minor who is the subject of this order;

4. **THE PERSON APPOINTED TO SERVE AS GUARDIAN:** _____
is competent to serve as Guardian. (name)

5. **There is no guardian or conservator appointed by a court to date, or this order replaces such other order.**

6. ☐ **EMERGENCY.** An emergency exists and there is need under law for the Court to enter this order immediately;

7. ☐ **PRIOR NOTICE.** Prior notice of this order is not required to be given to the person to be protected or his or her attorney or others entitled to prior notice because all the conditions of Arizona law, ARS §14-5310 and/or 14-5401.01 have been met.

8. ☐ **MORE THAN 30 DAYS.** For good cause, this temporary appointment may be for more than 30 days, **but may not exceed six (6) months**, according to Arizona Law, A.R.S. § 14-5310 (D) for the following reasons: _____

THE COURT ORDERS:

1. **APPOINTMENT:** _____ is appointed a TEMPORARY GUARDIAN of the above-named person pursuant to Arizona law ARS §14-5310.
2. **LETTERS:** This Order shall be filed with the Clerk of the Court, and upon filing a bond, if required, TEMPORARY LETTERS shall be issued to the Appointee in accordance with the terms of this Order and subject to the following restrictions (if any): _____

3. **NOTICE:** ☐ The appointee shall give notice to the Minor, if 14 or older, his or her parents, and to all others required by law, with a copy of each of the following documents:
 - a. The Petition for Appointment of Temporary Guardian, with this Order;
 - b. The Petition for Appointment of Permanent Guardian of a Minor;
 - c. All reports, affidavits, or other documents filed in support of both Petitions.
4. **EMERGENCY HEARING WITHOUT NOTICE**
☐ Personal service shall be completed no later than 72 hours after the date of this order upon the Minor who needs the protection, if more than 14 years old, and the parents of the Minor.
5. ☐ **PROOF OF NOTICE.** Proof of Notice of Hearing shall be filed with the Clerk of the Court, as required by Arizona Law, ARS §14-5310 (B).
6. **THE APPOINTMENT ENDS.** This (temporary/emergency) Appointment shall end:
☐ Thirty (30) days from the date of this order (if this was an emergency) ARS 14-5310(D); OR
☐ When a permanent guardian is appointed by the Court or this Court finds that there is not a need for the appointment of a guardian; OR
☐ Within 6 months of the date of this order. ARS 14-5310(H).
☐ Other time period: _____
7. **CHANGE OF ADDRESS.** The person appointed as guardian shall notify this Court immediately of any change in his or her address or the address of the person protected by this Order. The appointee shall be responsible for all costs resulting from his/her failure to do so.
8. **BOND:**
☐ No Bond is required, OR
☐ The Guardian shall file a bond in the amount of \$ _____ with the Clerk of the Court.

DONE IN OPEN COURT, THIS _____

Judge or Commissioner

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of Guardianship of

Case Number: **JG** _____

ACCEPTANCE OF APPOINTMENT AS TEMPORARY GUARDIAN AND LETTERS OF APPOINTMENT

A Minor

ACCEPTANCE OF APPOINTMENT

I accept the duties of temporary guardian of _____
I swear or affirm that I will perform these duties according to law.

Guardian's Signature

by:

Subscribed and sworn to or affirmed before me this date: _____

Michael K. Jeanes, Clerk of Superior Court

Notary

OR

My commission expires: _____

By: _____
Deputy Clerk

ISSUANCE OF LETTERS

1. Pursuant to Order of the Court, _____ is appointed as temporary guardian of the Minor, named above.
2. Length of the Appointment: Until further Order of this Court, but not to exceed six (6) months.
3. RESTRICTIONS that apply to this appointment, by Order of the Court: _____

WITNESS: _____

Michael K. Jeanes, Clerk of the Superior Court

SEAL

By: _____
Deputy Clerk